1	PETER D. KEISLER						
2	Assistant Attorney General, Civil Division CARL J. NICHOLS						
3	Deputy Assistant Attorney General DOUGLAS N. LETTER						
4	Terrorism Litigation Counsel JOSEPH H. HUNT						
5	Director, Federal Programs Branch ANTHONY J. COPPOLINO						
6	Special Litigation Counsel ANDREW H. TANNENBAUM						
7	ALEXANDER K. HAAS Trial Attorneys						
8	Email: tony.coppolino@usdoj.gov U.S. Department of Justice						
9	Civil Division, Federal Programs Branch 20 Massachusetts Avenue, NW, Rm. 6102						
10	Washington, D.C. 20001 Phone: (202) 514-4782						
11	Fax: (202) 616-8460 Attorneys for Federal Defendants Sued in their (
12	and the Federal Intervenor-Defendants (United National Security Agency, President George W.						
13	UNITED STATES DISTRICT COURT						
14	NORTHERN DISTRICT OF CALIFORNIA						
	SAN FRANCISCO DIVISION						
15	SAN FRANCIS	SCO DIVISION					
15 16		SCO DIVISION No. M:06-cv-01791-VRW					
	IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS	No. M:06-cv-01791-VRW STIPULATION AND PROPOSED					
16	IN RE NATIONAL SECURITY AGENCY	 No. M:06-cv-01791-VRW STIPULATION AND PROPOSED ORDER TO EXTEND DEADLINES FOR MOTION TO DISMISS AND 					
16 17	IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION	No. M:06-cv-01791-VRW STIPULATION AND PROPOSED ORDER TO EXTEND DEADLINES FOR MOTION TO DISMISS AND RELATED BRIEFING IN SHUBERT V. BUSH, CASE NO.					
16 17 18	IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION This Document Relates Only To:	No. M:06-cv-01791-VRW STIPULATION AND PROPOSED ORDER TO EXTEND DEADLINES FOR MOTION TO DISMISS AND RELATED BRIEFING IN SHUBERT V. BUSH, CASE NO. 07-693					
16 17 18 19	IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION	No. M:06-cv-01791-VRW STIPULATION AND PROPOSED ORDER TO EXTEND DEADLINES FOR MOTION TO DISMISS AND RELATED BRIEFING IN SHUBERT V. BUSH, CASE NO.					
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RECITALS

- 1. On November 7, 2006, the Government filed a Motion to Stay MDL Proceedings, Dkt. 67-69 ("Motion to Stay"). (As in the Joint Case Management Statement, Dkt. 61, "the Government" refers to the federal defendants sued in their official capacities in these actions and the federal intervenor-defendants (United States of America, National Security Agency, President George W. Bush).)
- 2. On February 20, 2007, the Court granted in part and denied in part the Government's stay motion. With respect to all cases in MDL 1791 other than Hepting v. AT&T, Case No. 06-672, the Court stated that it would enter a stay pending resolution of the interlocutory appeal in Hepting if the parties stipulate to a stay. If the parties in any non-Hepting case did not stipulate to a stay, the Court ordered the defendants to answer or otherwise respond to the complaint in such case not later than March 29, 2007.
- 3. The Plaintiffs in <u>Shubert v. Bush</u>, Case No. 07-693, did not stipulate to a stay pending resolution of the <u>Hepting</u> appeal. However, the parties in <u>Shubert</u> have agreed to a modified briefing schedule, as set forth in the Stipulation below.

STIPULATION

Plaintiffs, through their counsel, and the Government, through their attorneys of record, hereby stipulate to the following schedule and request that the Court make this stipulation an order of the Court:

- On or before May 18, 2007, the Government will file a dispositive motion and any assertion of the military and state secrets privilege in <u>Shubert v. Bush</u>, Case No. 07-693.
- 2. On or before June 29, 2007, Plaintiffs in <u>Shubert</u> will file an opposition to the Government's dispositive motion.
- 3. On or before July 20, 2007, the Government will file a reply brief in support of its dispositive motion.
- 4. On August 3, 2007, or at another time thereafter convenient to the Court, oral No. M:06-cv-01791-VRW STIPULATION AND PROPOSED ORDER TO EXTEND DEADLINES FOR MOTION TO DISMISS AND RELATED BRIEFING IN SHUBERT V. BUSH, CASE NO. 07-693

1	argument will be held on the	Government's dispositive motion.
2		
3	DATED: March 12, 2007	Respectfully Submitted,
4		PETER D. KEISLER
5		Assistant Attorney General, Civil Division CARL J. NICHOLS
6		Deputy Assistant Attorney General DOUGLAS N. LETTER Temperium Litientian Councel
7		Terrorism Litigation Counsel JOSEPH H. HUNT Director Fodoral Programs Propel
8		Director, Federal Programs Branch ANTHONY J. COPPOLINO Special Litigation Counsel
9		ANDREW H. TANNENBAUM ALEXANDER K. HAAS
10		Trial Attorneys U.S. Department of Justice
11		Civil Division, Federal Programs Branch 20 Massachusetts Avenue, NW
12		Washington, D.C. 20001 Phone: (202) 514-4782 — Fax: (202) 616-8460
13		Email: tony.coppolino@usdoj.gov
14		By: /s Anthony J. Coppolino
15		Anthony J. Coppolino
16		<u>/s Andrew H. Tannenbaum</u> Andrew H. Tannenbaum
17		Attorneys for United States of America, National
18		Security Agency, President George W. Bush
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1	DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B		
2	I, ANDREW H. TANNENBAUM, hereby declare pursuant to General Order 45, § X.E		
3	that I have obtained the concurrence in the filing of this document from each of the other		
4	signatories listed below.		
5	I declare under penalty of perjury that the foregoing declaration is true and correct.		
6	Executed on March 12, 2007, in the City of Washington, District of Columbia.		
7			
8	PETER D. KEISLER Assistant Attorney General, Civil Division		
9	CARL J. NICHOLS Deputy Assistant Attorney General		
10	DOUGLAS N. LETTER Terrorism Litigation Counsel		
11	JOSEPH H. HUNT Director, Federal Programs Branch		
12	ANTHONY J. COPPOLINO		
13	Special Litigation Counsel ANDREW H. TANNENBAUM		
14	ALEXANDER K. HAAS Trial Attorneys LLS Department of Justice		
15	U.S. Department of Justice Civil Division, Federal Programs Branch		
16	20 Massachusetts Avenue, N.W., Rm. 7328 Washington, DC 20001		
17	Telephone: (202) 514-4782 — Fax: (202) 616-8460 Email: tony.coppolino@usdoj.gov		
18	By: <u>/s Andrew H. Tannenbaum</u> Andrew H. Tannenbaum		
19			
20	Attorneys for United States of America, National Security Agency, President George W. Bush		
21	EMEDY CELLI DDINGVEDHOEE		
22	EMERY CELLI BRINCKERHOFF & ABADY LLP 545 Madison Avenue, 3 rd Floor		
23	New York, NY 10022		
24	(212) 763-5000 Pro (2 Harry M. Magral		
25	By: <u>/s Ilann M. Maazel</u> Matthew D. Brinckerhoff Ilann M. Maazel		
26			
27	Attorneys for Plaintiffs		

1			[PROPOSED] ORDER
2		Pursua	ant to the foregoing stipulation, and good cause appearing, it is hereby ORDERED
3	that:		
4		1.	On or before May 18, 2007, the Government may file a dispositive motion and
5			any assertion of the military and state secrets privilege in Shubert v. Bush, Case
6			No. 07-693.
7		2.	On or before June 29, 2007, Plaintiffs in Shubert may file an opposition to the
8			Government's dispositive motion.
9		3.	On or before July 20, 2007, the Government may file a reply brief in support of
10			its dispositive motion.
11		4.	On August 3, 2007, or at another time thereafter convenient to the Court, oral
12			argument will be held on the Government's dispositive motion.
13	IT IS SO ORDERED.		
14			
15	Dated:	March	, 2007.
16			
17			
18			Hon. Vaughn R. Walker United States District Chief Judge
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